

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

2010 AUG 30 A 9:33

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

In the matter of:

CAROL DEE AUBREY and JOHN DOE  
AUBREY, husband and wife,

PROGRESSIVE ENERGY PARTNERS, L.L.C.,  
a Nevada limited liability company,

PROGRESSIVE ENERGY PARTNERS, L.L.C.  
#1, a Nevada limited liability company,

PROGRESSIVE ENERGY PARTNERS, L.L.C.  
#2, a Nevada limited liability company,

PROGRESSIVE ENERGY PARTNERS, L.L.C.  
#3, a Nevada limited liability company,

PROGRESSIVE ENERGY PARTNERS, L.L.C.  
#4, a Nevada limited liability company,

Respondent.

DOCKET NO. S-20723A-10-0042

NOTICE OF SERVICE  
BY PUBLICATION

Arizona Corporation Commission  
DOCKETED

AUG 30 2010

DOCKETED BY

The Securities Division ("Division") of the Arizona Corporation Commission gives notice that respondent CAROL DEE AUBREY ("AUBREY") has been served with the February 4, 2010, Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, Order for Administrative Penalties and for Other Affirmative Action ("Notice") by publication.

The Division filed the affidavit of Special Investigator Guy Phillips in support of service by publication on July 21, 2010 (the "Affidavit"). The Affidavit establishes that: (a) the Division was unable to personally serve AUBREY with the Notice despite substantial efforts; (b) the Division

1 was unable to locate AUBREY's current address or residence; and (c) that AUBREY's "last  
2 known" residence was 1661 Sirrine Dr., Santa Ana, California 92705 located in Orange County,  
3 California. (See, Affidavit, ¶¶ A-T).

4 Under A.A.C. Rule R14-4-303(H)(2)(a), and the facts set forth in the Affidavit, service of  
5 the Notice on Aubrey by publication is proper if the Division publishes a detailed statement  
6 regarding the Notice as required by A.A.C. Rule R14-4-303(2)(b) in both Orange County,  
7 California and Maricopa County, Arizona once a week for four successive weeks (the "Statement  
8 of Notice")

9 Attached as Exhibit "A" is the original, sworn "Proof of Publication" executed by the  
10 "principal clerk of the printer and publisher of the **Orange County Reporter**...adjudged a  
11 newspaper of general circulation..." demonstrating that the Statement of Notice was published in  
12 Orange County, California on: (a) July 28, 2010; (b) August 4, 2010; (c) August 11, 2010; and  
13 (d) August 18, 2010 (emphasis added).

14 Attached as Exhibit "B" is the original, sworn "Affidavit of Publication" of the "Legal Ad  
15 Rep" of the "**Arizona Business Gazette**, a newspaper of general circulation..." in Maricopa  
16 County, Arizona demonstrating that the Statement of Notice was published in Maricopa County,  
17 Arizona on: (a) July 29, 2010; (b) August 5, 2010; (c) August 12, 2010; and (d) August 19, 2010  
18 (the "ABG Affidavit") (emphasis added). Due to its size, a "copy" of the ABG Affidavit is also  
19 attached as Exhibit "C."

20 Under A.A.C. Rule R14-4-303(H)(3), service by publication shall be complete 30 days  
21 after the first publication(s) of the Statement of Notice. Based on the foregoing, AUBREY was  
22 properly served with the Notice on August 28, 2010.

23 ///

24 ///

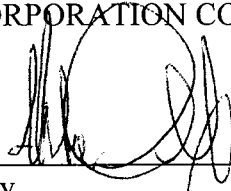
25 ///

26 ///

**RESPECTFULLY SUBMITTED** this 30<sup>th</sup> day of August, 2010.

ARIZONA CORPORATION COMMISSION

By

  
Mike Dailey

Attorney for the Securities Division of the  
Arizona Corporation Commission

# **Exhibit “A”**

**ORANGE COUNTY REPORTER**  
~ SINCE 1921 ~

600 W SANTA ANA BLVD, SANTA ANA, CA 92701  
Telephone (714) 543-2027 / Fax (714) 542-6841

**MICHEAL DAILEY**  
**ARIZONA CORPORATION COMMISSION**  
**1300 W WASHINGTON, 3RD FLR**  
**PHOENIX, AZ - 85008**

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ORANGE ) ss

Notice Type: GPN - GOVT PUBLIC NOTICE

Ad Description: NOTICE OF OPPORTUNITY FOR HEARING

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the ORANGE COUNTY REPORTER, a newspaper published in the English language in the city of SANTA ANA, county of ORANGE, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ORANGE, State of California, under date 06/20/1922, Case No. 13421. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

07/28/2010, 08/04/2010, 08/11/2010, 08/18/2010

Executed on: 08/18/2010  
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

This space for filing stamp only

OR #: 1909920

**BEFORE THE ARIZONA CORPORATION COMMISSION**  
**Docket No. S-20723A-10-0042: NOTICE OF OPPORTUNITY FOR HEARING REGARDING PROPOSED ORDER TO CEASE AND DESIST, ORDER FOR RESTITUTION, ORDER FOR ADMINISTRATIVE PENALTIES, AND FOR OTHER AFFIRMATIVE ACTION**

The Securities Division of the Arizona Corporation Commission alleges that Respondent CAROL DEE AUBREY ("RESPONDENT") has engaged in acts, practices and transactions that violate A.R.S. § 44-1801, et seq., the Arizona Securities Act ("Securities Act"), including violations of:  
**VIOLATION OF A.R.S. § 44-1841;**  
**VIOLATION OF A.R.S. § 44-1842; and**  
**VIOLATION OF A.R.S. § 44-1991**

**HEARING OPPORTUNITY**  
RESPONDENT may request a hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306. If RESPONDENT requests a hearing, RESPONDENT must also answer this Notice. A request for hearing must be in writing and received by the Commission within 10 business days after service of this Notice of Opportunity for Hearing. RESPONDENT must deliver or mail the request to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007. Filing instructions may be obtained from Docket Control by calling (602) 542-3477 or on the Commission's Internet web site at <http://www.azcc.gov/divisions/hearings/docket.asp>.

If a request for a hearing is timely made, the Commission shall schedule the hearing to begin 20 to 60 days from the receipt of the request unless otherwise provided by law, stipulated by the parties or ordered by the Commission. If a request for a hearing is not timely made, the Commission may, without a hearing, enter an order granting the relief requested by the Division in this Notice of Opportunity for Hearing.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal, ADA Coordinator, voice phone number (602) 542-3931, e-mail [sbernal@azcc.gov](mailto:sbernal@azcc.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

**ANSWER REQUIREMENT**  
Pursuant to A.A.C. R14-4-305, if RESPONDENT requests a hearing, RESPONDENT must deliver or mail an Answer to this Notice of Opportunity for Hearing to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007, within 30 calendar days after the date of service of this Notice. Filing instructions may be obtained from Docket Control by calling (602) 542-3477 or on the Commission's Internet web site at <http://www.azcc.gov/divisions/hearings/docket.asp>.

Additionally, RESPONDENT must serve the Answer upon the Division. Pursuant to A.A.C. R14-4-303, service upon the Division may be made by mailing or by hand-delivering a copy of the Answer to the Division at 1300 W. Washington, 3<sup>rd</sup>

Floor, Phoenix, Arizona 85007, addressed to Mike Dailey.

The Answer shall contain an admission or denial of each allegation in this Notice and the original signature of the answering respondent or respondent's attorney. A statement of a lack of sufficient knowledge or information shall be considered a denial of the allegation. An allegation not denied shall be considered admitted.

When RESPONDENT intends in good faith to deny only a part or a qualification of an allegation, RESPONDENT shall specify that part or qualification of the allegation and shall admit the remainder. RESPONDENT waives any affirmative defense not raised in the Answer.

The officer presiding over the hearing may grant relief from the requirement to file an Answer for good cause shown.

TO OBTAIN A COPY OF THE NOTICE OF OPPORTUNITY FOR HEARING FILED IN THIS PROCEEDING AND ANY ALLEGATIONS AND REQUESTED RELIEF, CONTACT IN WRITING: MIKE DAILEY, ESQ., ARIZONA CORPORATION COMMISSION, SECURITIES DIVISION, 1300 W. WASHINGTON STREET, THIRD FLOOR, PHOENIX, AZ 85007.

Dated this 21st day of July, 2010.  
7/28, 8/4, 8/11, 8/18/10

OR-1909920#

# **Exhibit “B”**

**CLASS 19  
MISCELLANEOUS  
NOTICES**

**BEFORE THE ARIZONA  
CORPORATION  
COMMISSION  
Docket No.**

**S-20723A-100042:**  
NOTICE OF OPPORTUNI-  
TY FOR HEARING REGARD-  
ING PROPOSED ORDER TO  
CEASE AND DESIST, OR-  
DER FOR RESTITUTION,  
ORDER FOR ADMINISTRATIVE  
PENALTIES, AND FOR  
OTHER AFFIRMATIVE AC-  
TION

The securities Division  
of the Arizona Corpora-  
tion Commission, alleges  
that Respondent CAROL  
DEE AUBREY ("RESPOND-  
ENT") has engaged in  
acts, practices and trans-  
actions that violate A.R.S.  
§ 44-1801, et seq., the Ariz-  
ona Securities Act ("Sec-  
urities Act"), including  
violations of:

VIOLATIONS OF A.R.S.  
§44-1841;

VIOLATIONS OF A.R.S.  
§44-1842; and

VIOLATIONS OF A.R.S.  
§44-1991.

HEARING OPPORTUNITY  
RESPONDENT may re-  
quest a hearing pursuant  
at A.R.S. §44-1972, and  
A.A.C. R14-4-306. If RE-  
SPONDENT requests a  
hearing, RESPONDENT  
must also answer this No-  
tice. A request for hearing  
must be in writing and re-  
ceived by the Commission  
within 10 business days  
after service of the Notice  
of Opportunity for Hear-  
ing. RESPONDENT must  
deliver or mail the re-  
quest to Docket Control,  
Arizona Corporation Com-  
mission, 1200 W. Wash-  
ington, Phoenix, Arizona  
85007. Filing instructions  
may be obtained from  
Docket Control by calling  
(602) 542-3477 or on the  
Commission's Internet  
web site at  
<http://www.azcc.gov/divisions/hearings/docket.asp>.

If request for a hearing  
is timely made, the Com-  
mission shall schedule the  
hearing to begin 20 to 60  
days from the receipt of  
the request unless other-  
wise provided by law,  
stipulated by the parties  
or ordered by the Com-  
mission. If a request for a  
hearing is not timely  
made, the Commission  
may, without a hearing,  
enter an order granting  
the relief requested by  
the Division in this Notice  
of Opportunity for Hear-  
ing.

Persons with a disabili-  
ty may request a reason-  
able accommodation such  
as a sign language inter-  
preter, as well as request  
this document in an alter-  
native format, by contact-  
ing Shaylin A. Bernal, ADA  
Coordinator, voice phone  
number (602) 542-3934, e-  
mail [sbernal@azcc.gov](mailto:sbernal@azcc.gov).  
Requests should be made  
as early as possible to al-  
low time to arrange the  
accommodation.

**ANSWER REQUIREMENT**  
Pursuant to A.A.C. R14-  
4-305, if RESPONDENT re-  
quests a hearing, RE-  
SPONDENT must deliver  
or mail an Answer to this  
Notice of Opportunity for  
Hearing to Docket Con-  
trol, Arizona Corporation  
Commission, 1200 W.  
Washington, Phoenix, Ari-  
zona 85007, within 30 cal-  
endar days after the date  
of service of this Notice.  
Filing instructions may be  
obtained from Docket  
Control by calling (602)  
542-3477 or on the Com-  
mission's Internet web  
site at  
<http://www.azcc.gov/divisions/hearings/docket.asp>.

Additionally, RESPOND-  
ENT must serve the An-  
swer upon the Division.  
Pursuant to A.A.C. R14-4-  
303, service upon the Divi-  
sion may be made by  
mailing or by hand-  
delivering a copy of the  
Answer to the Division at  
1300 W. Washington, 3rd  
Floor, Phoenix, Arizona  
85007, addressed to Mike  
Dailey.

The Answer shall con-  
tain an admission of deni-  
al of each allegation in  
this Notice and the origi-  
nal signature of the an-  
swering respondent or re-  
spondent's attorney. A  
statement of lack of suffi-  
cient knowledge or infor-  
mation shall be consid-  
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ered admitted.

When RESPONDENT in-  
tends in good faith to de-  
ny only part or a qualifica-

**AFFIDAVIT OF PUBLICATION  
ARIZONA CORPORATION COMMISSION**

19

# Arizona Business Gazette

The business resource

PO BOX 194  
Phoenix, Arizona 85001-0194  
(602) 444-7315 FAX (602) 444-7364

STATE OF ARIZONA  
COUNTY OF MARICOPA

} SS.

Manny Vargas, being first duly sworn, upon oath  
deposes and says: That he is the Legal Ad Rep of the  
Arizona Business Gazette, a newspaper of general  
circulation in the county of Maricopa, State of Arizona,  
published weekly at Phoenix, Arizona, and that the  
copy hereto attached is a true copy of the advertisement  
published in the said paper on the dates indicated.

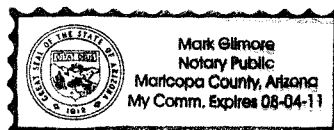
7/29/2010

8/5/2010

8/12/2010

8/19/2010

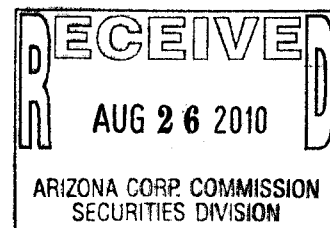
Sworn to before me this  
19TH day of  
AUGUST 2010



A handwritten signature in dark ink, appearing to read "Manny Vargas".

A handwritten signature in dark ink, appearing to read "Mark Gilmore".

Notary Public



tion of an allegation, RESPONDENT shall specify that part or qualification of the allegation and shall admit the remainder. RESPONDENT waives any affirmative defense not raised in the Answer.

The officer presiding over the hearing may grant relief from the requirement to file an Answer for good cause shown.

TO OBTAIN A COPY OF THE NOTICE OPPORTUNITY FOR HEARING FILED IN THIS PROCEEDING AND ANY ALLEGATIONS AND REQUESTED RELIEF, CONTACT IN WRITING: MIKE DAILEY, ESO, ARIZONA CORPORATION COMMISSION, SECURITIES DIVISION, 1300 W. WASHINGTON STREET, THIRD FLOOR, PHOENIX, AZ 85007.

Dated this 21st day of July, 2010.  
Published: July 29; August 5, 12, 19, 2010



# **Exhibit “C”**

**CLASS 19  
MISCELLANEOUS  
NOTICES**

**BEFORE THE ARIZONA  
CORPORATION  
COMMISSION**

Docket No.  
S-20723A-100642:  
NOTICE OF OPPORTUNITY  
FOR HEARING REGARDING  
PROPOSED ORDER TO  
CEASE AND DESIST, OR  
ORDER FOR RESTITUTION,  
ORDER FOR ADMINISTRATIVE  
PENALTIES, AND FOR  
OTHER AFFIRMATIVE ACTION

The securities Division  
of the Arizona Corporation  
Commission alleges  
that Respondent CAROL  
DEE AUBREY ("RESPONDENT")  
has engaged in  
acts, practices and trans-  
actions that violate A.R.S.  
§ 44-1801, et seq, the Arizona  
Securities Act ("Securities  
Act"), including violations of:

VIOLATIONS OF A.R.S.  
§44-1841;

VIOLATIONS OF A.R.S.  
§44-1842 and

VIOLATIONS OF A.R.S.  
§44-1891

HEARING OPPORTUNITY  
RESPONDENT may re-  
quest a hearing pursuant  
at A.R.S. §44-1572, and  
A.A.C. R14-4-306. If RE-  
SPONDENT requests a  
hearing, RESPONDENT  
must also answer this Notice.  
A request for hearing  
must be in writing and re-  
ceived by the Commission  
within 10 business days  
after service of the Notice  
of Opportunity for Hearing.  
RESPONDENT must deliver  
or mail the request to  
Docket Control, Arizona  
Corporation Commission,  
1200 W. Washington,  
Phoenix, Arizona 85007.  
Filing instructions may be  
obtained from Docket  
Control by calling (602)  
542-3477 or on the  
Commission's Internet web  
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If request for a hearing  
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may, without a hearing,  
enter an order granting  
the relief requested by  
the Division in this Notice  
of Opportunity for Hearing.

Persons with a disabili-  
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able accommodation such  
as a sign language inter-  
preter, as well as request  
this document in an alter-  
native format, by contact-  
ing Shaylin A. Bernal, ADA  
Coordinator, voice phone  
number (602) 542-3544, e-  
mail [sbernal@azcc.gov](mailto:sbernal@azcc.gov).  
Requests should be made  
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ANSWER REQUIREMENT  
Pursuant to A.A.C. R14-  
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85007, addressed to Mike  
Daley.

The Answer shall con-  
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al of each allegation in  
this Notice and the origi-  
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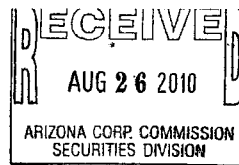
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SPONDENT shall specify  
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SPONDENT waives any af-  
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The officer presiding  
over the hearing may  
grant relief from the re-  
quirement to file an An-  
swer for good cause  
shown.

TO OBTAIN A COPY OF  
THE NOTICE OPPORTUN-  
ITY FOR HEARING FILED IN  
THIS PROCEEDING AND  
ANY ALLEGATIONS AND  
REQUESTED RELIEF, CON-  
TACT IN WRITING: MIKE  
DALEY, ESQ., ARIZONA  
CORPORATION COM-  
MISSION, SECURITIES DIVI-  
SION, 1200 W. WASHING-  
TON STREET, THIRD  
FLOOR, PHOENIX, AZ  
85007.

Dated this 21st day of  
July, 2010.  
Published: July 29; Au-  
gust 5, 12, 19, 2010

AFFIDAVIT OF PUBLICATION  
ARIZONA CORPORATION COMMISSION



19

# Arizona Business Gazette

The business resource

PO BOX 194  
Phoenix, Arizona 85001-0194  
(602) 444-7315 FAX (602) 444-7364

STATE OF ARIZONA  
COUNTY OF MARICOPA

} SS.

Manny Vargas, being first duly sworn, upon oath  
deposes and says: That he is the Legal Ad Rep of the  
Arizona Business Gazette, a newspaper of general  
circulation in the county of Maricopa, State of Arizona,  
published weekly at Phoenix, Arizona, and that the  
copy hereto attached is a true copy of the advertisement  
published in the said paper on the dates indicated.

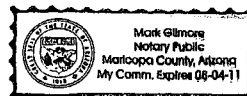
7/29/2010

8/5/2010

8/12/2010

8/19/2010

Sworn to before me this  
19TH day of  
AUGUST 2010



*[Signature]*

*[Signature]*

Notary Public